

Remarks

The Office Action dated February 1, 2010, has been received and carefully reviewed. The preceding amendment and the following remarks form a full and complete response thereto.

Claims 1, 3-16 and 19-49 are pending in the present application. Claims 2, 17 and 18 have been cancelled without prejudice or disclaimer. Claims 10-16, 20-29, 35 and 36 have been withdrawn from consideration. Claim 1 has been amended to incorporate subject matter of original claim 2. Claims 6, 7 and 9 have been amended so that they are no longer dependent on cancelled claim 2. Claim 19 was rewritten as an independent claim. New claims 37-48 have been added. Support for new claim 37 can be found, for example, in original claim 18. Support for new claims 38 and 39 can be found, for example, in original claim 17. Support for new claims 40-42 and 46 can be found, for example, in original claims 3-6, respectively. Support for new claim 43 can be found, for example, in the specification at page 1, lines 11-20. Support for new claim 44 can be found, for example, in the specification at page 23, lines 19-22. Support for new claim 45 can be found, for example, in the specification at page 11, line 33-page 12, line 4. Support for new claims 47 and 48 can be found, for example, in the specification at page 20, lines 16-23. Support for new claim 49 can be found, for example, in the specification at Fig. 1 and page 20, lines 9-23. No new matter has been added.

Drawings

As noted above, Fig. 8 has been amended to correct a typographical error in the labeling of curves A and B of Fig. 8. The fact that there is an error is immediately apparent from the last

paragraph of page 24 of the specification, which describes the present invention (curve A) as having a higher initial capacity and less capacity reduction than a non-optimized electrode (curve B). Specification at p. 24, lines 28-35. Accordingly, no new matter has been added.

Claim Objections

The Examiner objected to claims 1-9, 17-19 and 30-34 and alleged that “use of the term ‘arranged and adapted’ in the aforementioned claims is improper.” Office Action at p. 2. Applicants respectfully traverse the objection because there is nothing improper with the use of the term “arranged and adapted” in a claim.

The Examiner attempted to explain the objection by noting “that the courts have held that functional ‘adapted to’ statements do not define any structure, and accordingly cannot serve to distinguish over the prior art.” *Id.* at p. 2 (citing *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957)). The basis for Examiner’s position is difficult to understand. To begin, the Examiner appears to be treating the claimed “arranged and adapted” phrase as a functional “adapted to” statement. It is unclear why the Examiner has read “arranged” out of the claim and how the Examiner can consider a limitation specifying the arrangement of the intermediate space and positive and negative electrodes to be a functional limitation. In addition, after characterizing the claimed “arranged and adapted” phrase as a functional “adapted to” statement, the Examiner cites *In re Mason*, which had nothing to do with a functional “adapted to” statement.¹

¹ Instead of a functional “adapted to” statement, *In re Mason* involved a functional “whereby” statement “as to what happens when one of the web portions is torn transversely along a tearing line” that the court determined did “not define any structure.” *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957). However, in a more recent case regarding a “whereby” clause, the Federal Circuit “held that when a ‘whereby’ clause states a condition that is

Furthermore, the Examiner is conflating the two separate issues of (1) whether use of the term “arranged and adapted” in a claim is proper, and (2) whether an “arranged and adapted” phrase has a limiting effect on the claim. The Examiner is mistaken on both levels because the claims are both proper and limited structurally by the “arranged and adapted” phrase.

1. Use of the Term “arranged and adapted” is Proper

Nothing in the MPEP suggests that use of the term “arranged and adapted” is improper. Despite the presence of “arranged” in the phrase, the Examiner has characterized the “arranged and adapted” phrase as a functional “adapted to” limitation. Even if the “arranged and adapted” phrase were a functional limitation, “[t]here is nothing inherently wrong with defining some part of an invention in functional terms.” MPEP 2173.05(g). “Functional language does not, in and of itself, render a claim improper.” MPEP 2173.05(g) (citing *In re Swinehart*, 439 F.2d 210, 169 USPQ 226 (CCPA 1971)).² In addition, the MPEP even provides an example of an “adapted to” limitation that was not only proper but also found to further define the structural attributes of a claimed assembly. MPEP 2173.05(g) (citing *In re Venezia*, 530 F.2d 956, 189 USPQ 149 (CCPA 1976)). Therefore, the “arranged and adapted” limitation is not improper regardless of whether it is a functional limitation, and withdrawal of the objection is respectfully requested.

2. The “arranged and adapted” Limitation Must Be Given Patentable Weight

“All words in a claim must be considered in judging the patentability of that claim against the prior art.” MPEP 2143.03 (quoting *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ

material to patentability, it cannot be ignored in order to change the substance of the invention.” MPEP 2111.04 (quoting *Hoffer v. Microsoft Corp.*, 405 F.3d 1326, 1329, 74 USPQ2d 1481, 1483 (Fed. Cir. 2005)).

² See also MPEP 2173.01 (“Applicant may use **functional language**, alternative expressions, negative limitations, or any style of expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought.” (emphasis added)).

494, 496 (CCPA 1970)). Therefore, the words of the “arranged and adapted” phrase must be considered in judging the patentability of the claims against the prior art.

The “arranged and adapted” phrase is a structural limitation because it specifies the arrangement of the positive electrode, the negative electrode and the intermediate space therebetween. Thus, it is improper for the Examiner to read “arranged” out of the claim and treat the claim as a purely functional limitation.

However, even interpreted as a functional “adapted to” limitation, the “arranged and adapted” phrase would limit the structure of the claimed electrochemical battery. According to the MPEP, “adapted to” and “adapted for” clauses may have a limiting effect in a claim depending on the specific facts of the case. MPEP 2111.04. And, even if the “arranged and adapted” phrase were a functional limitation, it “must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used.” MPEP 2173.05(g).

Here, the “arranged and adapted” phrase, in the context of claim 1, fairly conveys to a person of ordinary skill in the pertinent art that the intermediate space between the positive electrode and the negative electrode is arranged and adapted such that active mass deposited on the negative electrode during the charging of the cell may come into contact with the positive electrode in such way that locally limited short-circuit reactions occur at its surface. Thus, as is often the case with functional limitations, the “arranged and adapted” phrase of claim 1 defines a particular capability of the claimed “intermediate space between the positive electrode and the negative electrode.” *See* MPEP 2173.05(g). Accordingly, the “arranged and adapted” phrase

limits the claim by requiring an intermediate space having a structure that enables the particular capability defined by the “arranged and adapted” phrase to be performed. Here, claim 1 does not read on any and all intermediate spaces between a positive electrode and a negative electrode because not every intermediate space allows active mass deposited on the negative electrode during the charging of the cell to come into contact with the positive electrode in such way that locally limited short-circuit reactions occur at its surface. The “arranged and adapted” phrase of claim 1 requires the intermediate space between the positive electrode and the negative electrode to have that structure and cannot be ignored.

The MPEP, in describing *In re Venezia*, provides the following illustrative example:

In a claim that was directed to a kit of component parts capable of being assembled, the Court held that limitations such as “members adapted to be positioned” and “portions . . . being resiliently dilatable whereby said housing may be slidably positioned” serve to precisely define present structural attributes of interrelated component parts of the claimed assembly.

MPEP 2173.05(g) (quoting *In re Venezia*, 530 F.2d 956, 189 USPQ 149 (CCPA 1976)).

Here, the negative and positive electrodes and the intermediate space therebetween are interrelated component parts of the claimed electrochemical battery. Similar to the limitation in *In re Venezia*, the “arranged and adapted” limitation of claim 1 serves to precisely define present structural attributes of those interrelated component parts. In particular, the “arranged and adapted” limitation precisely defines the claimed “intermediate space between the positive electrode and the negative electrode” as being “arranged and adapted such that active mass deposited on the negative electrode during the charging of the cell may come into contact with the positive electrode in such way that locally limited short-circuit reactions occur at its surface.”

Therefore, the “arranged and adapted” limitation of claim 1 must be considered and given patentable weight in determining whether claim 1 reads on the prior art.

Rejection of Claims under 35 U.S.C. § 112

Claims 17-19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Although claims 17 and 18 have been cancelled, new claim 37 corresponds to cancelled claim 18. Applicants respectfully traverse these rejections for the following reasons.

Claim 19 includes the phrase “essentially free of hydroxide ions.” Claim 37 includes the phrase “essentially free of H^+ ions.” The Examiner alleges that the term “essentially” is a relative term not defined by the claim, that the specification does not provide a standard for ascertaining the requisite degree, and that one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Office Action at p. 3.

However, one of ordinary skill in the art would be reasonably apprised of the scope of the invention because the specification clearly sets forth the standard for ascertaining the requisite degree by stating that:

The second main aspect of the present invention also refers to an insertion electrode, in particular an intercalation electrode, having a surface which is essentially free of OH^- ions. Preferably, the electrode is also essentially free of H^+ ions. An electrochemical cell which contains such an electrode is also a subject matter of the present invention. In this case **“essentially free of OH^- ions and/or H^+ ions” is to be understood to mean that the passivation of the electrode caused by the presence of the ions, and/or the resulting capacity loss, are reduced to such an extent that the required practical function of the electrode in a battery cell is not impaired thereby.** As will be explained in greater detail below, the passivation results in a continuous increase of the internal resistance of the cell during the charging and discharging cycles. The respective properties of the electrode may be observed, for example, using cyclic

voltammograms, as will also be explained in greater detail below. The freedom of the surface of the active mass from hydroxide ions is preferably achieved by the method described above using the first cleaning component. The freedom of the surface of the active mass from hydroxide ions is preferably achieved by the method described above using the first cleaning component.

Specification at p. 11, lines 18-31 (emphasis added). Thus, **the specification explicitly defines the standard** before providing additional guidance as to how to determine whether an electrode meets that standard. On this basis, one of ordinary skill in the art could readily determine whether an insertion electrode is “essentially free” of hydroxide ions and/or H^+ ions by:

- (i) detecting the change of internal resistance during charging and discharging cycles (e.g., by using cyclic voltammograms as described in relation to Figs. 5-8),
- (ii) reducing the concentration of hydroxide ions using the described first cleaning component and/or the reducing the concentration of H^+ ions using the described second cleaning component (as described in the specification at, for example, page 12, line 6–page 15, line 10),
- (iii) detecting again the change of internal resistance during charging and discharging cycles, and
- (iv) using electrodes having a remaining degree of passivation low enough that the practical function is not impaired thereby.

Accordingly, the standard provided by the specification reasonably apprises one of ordinary skill in the art of the scope of the invention, and the rejection is improper. Withdrawal of the rejection is respectfully requested.

Rejection of Claims under 35 U.S.C. § 102

Claims 1-6, 17-19 and 30-34 were rejected under 35 U.S.C. § 102(b) as being anticipated by International Publication No. WO 00/79631 to Hambitzer et al. (“Hambitzer ‘631”) with the corresponding U.S. Patent No. 6,730,441 serving as the English equivalent.³ Applicants respectfully traverse this rejection for the following reasons.

Independent Claim 1

Applicants respectfully submit that claim 1 is not anticipated by Hambitzer ‘631 because Hambitzer ‘631 does not disclose each and every feature of claim 1. For example, Hambitzer ‘631 does not disclose a “an intermediate space between the positive electrode and the negative electrode is arranged and adapted such that active mass deposited on the negative electrode during the charging of the cell may come into contact with the positive electrode in such way that locally limited short-circuit reactions occur at its surface,” as required by claim 1.

In the rejection, the Examiner does not even attempt to address this feature. *See* Office Action at p. 3. Presumably, this is because the Examiner objected to use of the term “arranged and adapted” and found the statement to not define any structure. *See* Office Action at p. 2.

However, for the reasons explained above, the claimed “intermediate space” feature including the phrase “arranged and adapted” further limits the structure of the claimed “electrochemical battery cell” by specifying the arrangement and capabilities of the positive electrode, negative electrode and intermediate space components. Because one of ordinary skill in the art would understand the claimed “intermediate space” feature including the phrase “arranged and adapted” to further limit the structure of the claimed “electrochemical battery

³ As in the Office Action, cites to the text of Hambitzer ‘631 refer to U.S. Patent No. 6,730,441.

cell,” the feature must be considered and given patentable weight in determining whether the claims reads on the prior art. The rejection of claim 1 is improper because the Examiner did not consider the “intermediate space” feature. Accordingly, withdrawal of the rejection is respectfully requested.

To be clear, Hambitzer ‘631 does not disclose a “an intermediate space between the positive electrode and the negative electrode is arranged and adapted such that active mass deposited on the negative electrode during the charging of the cell may come into contact with the positive electrode in such way that locally limited **short-circuit reactions** occur at its surface,” as required by claim 1. (emphasis added). Quite to the contrary, in the disclosure of Hambitzer ‘631, short circuits are **safety problems**, which are to be **avoided**. Hambitzer ‘631 at col. 4, lines 42-55.

One means to address the safety problem is the addition of salt having a porous structure. Hambitzer ‘631 at col. 5, lines 1-40. Hambitzer ‘631 discloses that “the porous structure should be formed and arranged in such a manner that the active mass which is formed at the negative electrode during the charge of the cell, penetrates into the pores of the porous salt structure.” *Id.* at col. 5, lines 33-37. Hambitzer ‘631 also discloses that it is “generally preferred if at least during a part of the charge/discharge cycle of the cell there is contact of the salt to the negative electrode, in particular to an active mass formed at the electrode.” *Id.* at col. 5, lines 19-23. Thus, although Hambitzer ‘631 discloses that active mass deposited on the negative electrode during the charging of the cell may come into contact **with the porous salt structure**, Hambitzer ‘631 does not disclose that “an intermediate space between the positive electrode and the

negative electrode is arranged and adapted such that active mass deposited on the negative electrode during the charging of the cell may come into contact **with the positive electrode**,” as is required by claim 1. (emphasis added).

In addition, Hambitzer ‘631 does not disclose “a porous insulator ... arranged and formed such that it is possible for active mass deposited on the negative electrode to grow during the charging of the cell through the pores of the insulator layer up to the surface of the positive electrode,” as required by amended claim 1. The “arranged and formed” phrase limits the structure of the claimed “porous insulator” to only those structures that make it “possible for active mass deposited on the negative electrode to grow during the charging of the cell through the pores of the insulator layer up to the surface of the positive electrode.”

The Examiner alleges that the separator of Hambitzer ‘631 corresponds to the claimed “porous insulator.” *See* Office Action at p. 3. As is explained in the attached portion of the Handbook of Battery Materials (“Handbook”), separators “keep the positive electrode physically apart from the negative [electrode] in order to prevent any electric current passing between them.” Handbook at § 9.1.1. Separators have pores which permit an ionic current to pass therethrough but have a small enough diameter “to prevent electronic bridging by deposition of metallic particles floating in the electrolyte.” *Id.* Thus, in sharp contrast to the claimed “porous insulator,” which has pores that **permit** active mass to grow therethrough, a separator has pores that **prevent** active mass from growing therethrough.

Hambitzer ‘631 also cites international patent application PCT/DE 00/00177, which corresponds to U.S. Patent No. 6,709,789 to Hambitzer et al. (“Hambitzer ‘789”). Hambitzer

'631 at col. 5, lines 41-44. The disclosure of Hambitzer '789 is similar to the disclosure of Hambitzer '631 in that both are directed to the addition of salt to battery cells. Hambitzer '789 is explicit that, "[a]part from the salt 10 arranged in the area of the negative electrode, the [battery cell] design is conventional." Hambitzer '789 at col. 4, lines 10-12. The conventional design contains a separator 5 designed to prevent short-circuit reactions. Hambitzer '789 at col. 3, lines 49-59. Likewise, apart from the salt arranged in the area of the negative electrode of Hambitzer '631, the battery cell design of Hambitzer '631, which includes a separator, is conventional. *See* Hambitzer '631 at col. 5, lines 1-10 and col. 7, lines 1-2. And, it is unreasonable to characterize Hambitzer '631 as disclosing the recited claim features when Hambitzer '631 has a conventional structure with a separator and is designed to prevent growth of active matter from the negative electrode to the positive electrode.

Accordingly, reconsideration and withdrawal are respectfully requested.

Dependent Claims 3-6 and 30-34

Claims 3-6 and 30-34 depend on independent claim 1 and are patentable over Hambitzer '631 for the same reasons discussed above with regard to claim 1 as well as for the additional limitations they recite.

For example, the rejection of claim 6 is additionally improper for the independent reason that the Examiner failed to consider the structural limitations of the "formed and adapted" phrase of claim 6. *See* Office Action at p. 4.

Independent Claim 19

Applicants respectfully submit that claim 19 is not anticipated by Hambitzer '631 because Hambitzer '631 does not disclose each and every feature of claim 19. For example, Hambitzer '631 does not disclose "an electrode having an electrode surface which is essentially free of hydroxide ions," as required by the claim.

The Examiner alleges that the Hambitzer '631 inherently discloses this feature because "the materials and structure of the battery of [Hambitzer '631] and the present application are the same." Office Action at p. 5. However, Applicants' specification states that "'essentially free of OH⁻ ions and/or H⁺ ions' is to be understood to mean that the passivation of the electrode caused by the presence of the ions, and/or the resulting capacity loss, are reduced to such an extent that the required practical function of the electrode in a battery cell is not impaired thereby." Specification at page 11, lines 21-25. The materials of Hambitzer '631 are not the same as the materials of the present invention because Hambitzer '631 does not disclose that passivation of the electrode of Hambitzer '631 has been reduced to such an extent that the required practical function of the electrode in a battery cell is not impaired thereby. Thus, the reduced passivation is not an inherent feature of electrodes. Rather, in present invention, the reduced passivation is achieved, for example, through use of the first cleaning component. *See Id.* at page 11, lines 1-31.

Furthermore, the experimental results described in the specification in relation to Figs. 5-8 establish the difference between an electrode having reduced passivation and an electrode in which passivation has not been reduced. The hydroxide ions referred to in claim 19 cause "passivation" of the electrode, resulting in an increase of the internal resistance of the cell and an

unfavorable reduction in capacity over a plurality of charging and discharging cycles. Fig. 7 shows the increased charging voltage of a cell in which passivation has not been reduced (curve B) and shows the essentially constant charging voltage of a cell in which passivation has been reduced (curve A). Similarly, Fig. 8 shows the increased initial capacity and less reduction in capacity by repeated charging of the cell in which passivation has been reduced (curve A) compared to the cell in which passivation has not been reduced (curve B). Therefore, the experimental results described in the specification in relation to Figs. 5-8 prove that an electrode made of a particular material is not necessarily essentially free of hydroxide ions.

For these reasons, the rejection of claim 19 is improper, and its withdrawal is respectfully requested.

Rejection of Claims under 35 U.S.C. § 103

Dependent Claims 7 and 8

Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable by reasons of obviousness over Hambitzer '631. Applicant respectfully traverses these rejections for the following reasons.

Claims 7 and 8 depend on independent claim 1. As a result, claims 7 and 8 are patentable over Hambitzer '631 for the same reasons discussed in regard to claim 1. Claims 7 and 8 are also patentable over Hambitzer '631 for the additional limitations they recite. For example, claim 7 recites that "the porous insulator layer contains a particle-shaped, fiber-shaped or tube-shaped pore structure material." The Examiner admits that Hambitzer '631 does not disclose this

feature. Office Action at p. 6. Instead of relying on Hambitzer '631, the Examiner asserts the claimed particular shapes of the pore structure material would have been obvious. Specifically, the Examiner cites *In re Dailey* and asserts that "the courts have held that regarding changes in shape of the ports of the insulator would be obvious absent persuasive evidence that the particular configuration of the claim was significant." Office Action at p. 6 (citing *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)).

Contrary to the Examiner's assertion, *In re Daily* did **not** hold that changes in shape of the ports of an insulator would be obvious absent persuasive evidence that the particular configuration of the claim was significant. *In re Daily* involved a disposable plastic nursing container and had nothing to do with ports of insulators. Instead, according to the MPEP, the court in *In re Daily* "held that the configuration of the claimed disposable plastic nursing container was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed container was significant." MPEP 2144.04(IV)(B).

Here, the particular configuration/shape of the pore structure material of the claimed "porous insulator layer" is significant because the shape of the pore structure affects whether "the electrolyte solution penetrates easily into the [porous insulator] layer." See Specification at page 8, lines 16-24. Accordingly, the particular claimed shapes of the porous insulator layer would not have been obvious a person of ordinary skill in the art as simply a matter of choice.

Also, because the prior art saw disadvantage in and specifically taught away from permitting active mass deposited on a negative electrode to come into contact with a positive

electrode of a battery cell, one of ordinary skill in the art would not have found it obvious to design a battery cell to permit such contact. And further, for the same reason, one of ordinary skill in the art certainly would not have found it obvious to design pores of an insulator layer to permit growth of the active mass therethrough.

Accordingly, the rejection of claims 7 and 8 is improper for this additional, independent reason, and reconsideration and withdrawal are respectfully requested.

Dependent Claim 9

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable by reasons of obviousness over Hambitzer '631 in view of U.S. Patent No. 4,283,469 to Groebel et al. ("Groebel"). Applicant respectfully traverses this rejection because Groebel does not overcome the deficiencies of Hambitzer '631 explained above in regard to claims 1 and 2. Therefore, claim 9 is patentable over Hambitzer '631 in view of Groebel for the same reasons discussed in regard to claims 1 and 2 as well as for the additional limitations claim 9 recites.

New Claims 37-49

Independent Claim 37

Applicants respectfully submit that claim 37 is patentable over the cited prior art. None of the cited references disclose or suggest an "electrode [that] is essentially free of H⁺ ions," as is required by claim 37.

The Examiner alleges that the Hambitzer '631 inherently discloses an electrode having an electrode surface which is essentially free of H⁺ ions because "the materials and structure of the

battery of [Hambitzer '631] and the present application are the same.” Office Action at pp. 4-5. Applicants' specification states that “‘essentially free of OH⁻ ions and/or H⁺ ions' is to be understood to mean that the passivation of the electrode caused by the presence of the ions, and/or the resulting capacity loss, are reduced to such an extent that the required practical function of the electrode in a battery cell is not impaired thereby.” Specification at page 11, lines 21-25. The materials of Hambitzer '631 are not the same as the materials of the present invention because Hambitzer '631 does not disclose that passivation of the electrode of Hambitzer '631 has been reduced to such an extent that the required practical function of the electrode in a battery cell is not impaired thereby. The reduced passivation is not an inherent feature of electrodes. Rather, in present invention, the reduced passivation is achieved, for example, through use of the first cleaning component and/or second cleaning component. *See Id.* at page 12, line 6–page 15, line 10.

Furthermore, the experimental results described in the specification in relation to Figs. 5-8 prove that an electrode made of a particular material is not necessarily essentially free of H⁺ ions. The H⁺ ions referred to in claim 37 generally result from a reaction of water with the electrode material and cause a reduction of the original capacity of the active material. Fig. 7 shows the increased charging voltage of a cell in which passivation has not been reduced (curve B) and shows the essentially constant charging voltage of a cell in which passivation has been reduced (curve A). Similarly, Fig. 8 shows the increased initial capacity and less reduction in capacity by repeated charging of the cell in which passivation has been reduced (curve A) compared to the cell in which passivation has not been reduced (curve B). Therefore, the

experimental results described in the specification in relation to Figs. 5-8 prove that an electrode made of a particular material is not necessarily essentially free of H^+ ions.

For these reasons, claim 37 is patentable over the cited prior art.

Dependent Claims 38-48

Claims 38-46 depend on independent claim 19 and are patentable over Hambitzer '631 for the same reasons discussed above with regard to claim 19 as well as for the additional limitation recited. Claims 47 and 48 depend on independent claim 1 and are patentable over Hambitzer '631 for the same reasons discussed above with regard to claim 1 as well as for the additional limitation recited.

Independent Claim 49

Applicants respectfully submit that claim 49 is patentable over the cited prior art. None of the cited references disclose or suggest an "an insulator means for permitting active mass deposited on the negative electrode during the charging of the cell to come into contact with the positive electrode in such way that locally limited short-circuit reactions occur at its surface," as is required by claim 49.

Conclusion

All of the stated grounds of rejection have been properly traversed or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections, and that they be withdrawn. Applicants submit that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

The Applicants respectfully petitioned for a one-month extension of time. Any fees for the extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

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